United Nations

A/58/70

General Assembly

Distr.: General
15 April 2003

Original: English

Fifty-eighth session
Item 121 of the preliminary list*
Review of the efficiency of the administrative and financial functioning of the United Nations

Progress and impact assessment of management improvement measures

Report of the Secretary-General

Summary

The present report has been prepared in compliance with General Assembly resolution 54/236 of 23 December 1999, in which the Assembly endorsed the recommendation of the Committee for Programme and Coordination that a progress report on the review of the efficiency of the administrative and financial functioning of the United Nations be submitted biennially to the Assembly. The report provides a systematic account of progress and impact achieved by management improvement measures and the obstacles encountered in that effort.

The report reviews management improvement measures across the United Nations global Secretariat. The analysis draws on the first round of quantitative data from the Organization's new online tool for tracking management reforms, the Progress and Impact Reporting System (PIRS).

* A/58/50/Rev.1.

03-32485 (E) 140503

I. Introduction

1. As implementation of the Secretary-General's reforms has advanced, the need for better information about the progress and impact of the reform measures has become increasingly acute. This need has notably been reflected in requests from Member States for enhanced reporting and assessment of results. In this context, the present report responds to two specific mandates.

2. The first mandate originates from General Assembly resolution 54/236 of 23 December 1999. In that resolution, the Assembly endorsed the recommendation of the Committee for Programme and Coordination "that a progress report on the review of the efficiency of the administrative and financial functioning of the United Nations be submitted biennially to the General Assembly through the appropriate intergovernmental bodies".[1] In reviewing the Secretary-General's report for 2001 on the subject (A/56/82) the Committee for Programme and Coordination emphasized the importance of "an assessment of the results" of reform measures rather than a listing of projects.[2]

3. The second mandate emerges from the Committee's review of the Secretary-General's report on efficient and effective measures for management improvement (E/AC.51/2002/2).[3] In paragraph 35 of its conclusions, it recommended that "assessment of the results of management improvement measures should receive priority so that future reports would be more focused on impact analysis". In the same paragraph, the Committee also recommended that work should go forward on development of a progress and impact reporting system, "both as a monitoring tool and as a means of assessing more rigorously the impact of management improvement measures".

4. In responding to those mandates, the present report assesses management improvement measures[4] both at Headquarters and at the offices away from Headquarters. It represents a first step towards reorienting the Organization's reporting to address the Member States' focus on results. It also reflects an initial phase in the implementation of the mandate of the Committee for Programme and Coordination to develop a progress and impact reporting system for analytical reporting and to promote the sharing of good practices at the level of the United Nations system. Finally, the report is the result of a systematic data-gathering process under a new methodology that captures information in a format suitable for quantitative analysis and reporting, in contrast with the narrative format often used in the past.

5. The report is divided into six sections. Following the introduction, section II sets out the methodology used to gather and analyse information on management improvement measures. Section III presents an overview of the measures and the main goals that they aim to achieve in fields such as policy change, quality of service delivery, operational efficiency, process streamlining and capacity development. The fourth section focuses on progress towards mainstreaming of management improvements, the impact of the improvements and the obstacles that are impeding progress. The fifth section describes steps towards implementation of a strategy for Secretariat-wide — and later system-wide — reporting on management improvements and their results. The conclusion reached is presented in section VI.

II. A new approach to reporting

A. Methodology

6. The assessment of the results of a programme of work requires a systematic approach to gathering information across the components of that programme. Accordingly, the Management Policy Office of the Department of Management of the Secretariat has undertaken an integrated effort to gather a standard set of information about management improvement measures in the Organization. The tool used to undertake that effort is the Progress and Impact Reporting System (PIRS), developed on the Organization's Lotus Notes information technology platform. Using PIRS online electronic forms, project offices provide self-evaluative information regarding the progress and impact of their initiatives. The information undergoes a quality control process involving review and feedback by the Management Policy Office and is then stored in a central database.

7. The information in the PIRS database is used to analyse the relative progress of the different reform areas, the mainstreaming of new practices into everyday work processes, the types of impacts that measures are achieving and obstacles to progress. This initial round of reporting establishes baseline data for 2002. Subsequent reporting exercises will yield time-series data and generate a corresponding capacity to monitor and analyse year-on-year trends.

8. PIRS impact assessment is intended to serve as a report card for the Organization. Over time, the report card will show advances, retrenchments, detours and breakthroughs. In an empirical manner, it will show whether and to what degree the Secretariat is making progress towards effective service delivery.

B. Reform framework

9. For the 2002 reporting period, offices and departments across the Organization reported 91 management improvement measures, comprising 71 from Headquarters and 20 from offices away from Headquarters.

10. The management improvement measures reflect seven reform areas originating from the Secretary-General's programme for reform. Six areas are taken directly from the original reform proposals (see A/51/950), and the seventh, productivity, stems from the long-term productivity strategy adopted in February 2000 by the Steering Committee on Reform and Management.

11. The reform areas are divided into two categories. The first category includes functional (or "substantive") areas, which reflect the "what" of a measure. Those areas comprise:

- Creating an electronic United Nations
- Building a common services platform
- Strengthening human resources
- Enhancing financial management and introducing results-based budgeting.

12. The second category comprises cross-cutting areas, which focus on the "how" of a measure. As suggested by the label "cross-cutting", they can apply to any functions or offices across the Organization:

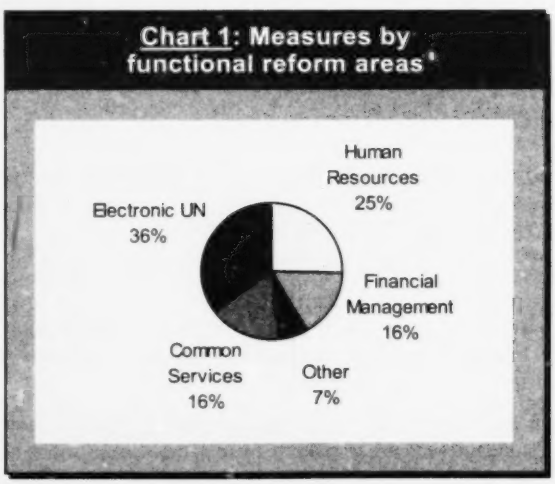
- Promoting delegation and accountability
- Increasing productivity
- Simplifying processes and rules.

13. The functional and cross-cutting categories provide different perspectives on the same set of management improvement measures. For example, "streamlining of information and communication technology procurement procedures" falls under both the "electronic United Nations" functional area and the "simplified processes and procedures" cross-cutting area.

III. Overview of measures by reform areas

14. Almost two thirds of management improvement measures under way in 2002 fall within reform areas that focus on "strengthened human resources" and "electronic United Nations" (see chart 1). That concentration reflects the intense legislative focus by Member States on overall strategies for human resources (resolution 55/258) and information and communication technology (resolutions 54/249 and 56/239).

Chart 1: Measures by functional reform areas



15. Management improvements in those two areas are mostly concentrated at Headquarters; at offices away from Headquarters, efforts are more evenly distributed across those and other functional areas. That difference in distribution is consistent with the role of Headquarters in initiating organizational realignments in response to Member States' priorities.

A. Strengthened human resources

16. As is generally the case for service organizations, the staff of the United Nations are its principal asset. The Organization's human resource strategy, promulgated in 1998 and recognized by the General Assembly in its resolution 55/258, comprises a set of integrated building blocks addressing all aspects of the Organization's management of staff issues. The breakdown of reported measures among building blocks of human resources reform is presented in table 1.

Table 1
Human resources measures

Building block	*No. of measures*
Administration of justice	1
Career development	4
Competencies and continuous learning	3
Conditions of service	4
Human resources planning	2
Mobility	1
Performance management	1
Recruitment, placement and promotion	3
Streamlined rules and procedures	2
Other	2
Total	**23**

17. The 23 measures under implementation in that area are all projected to be mainstreamed by 2007. The measures are relatively long in duration, averaging about 3 years as compared to about 2 years for other areas. The following patterns within the human resources reforms are especially worth noting:

- Within the Secretariat, a cluster of measures comprises the framework for a planned career development system. Staff careers in the past were often dependent on ad hoc decisions and process-driven administrative requirements. The new human resources strategy places staff on focused career paths, starting with orientation and development programmes and structured mentoring support when they first join the Organization. The system also includes training programmes and occupational networks aligned with the Organization's generic competencies. Those elements help to provide the basis for staff to seek professional growth, as well as placement under the new mobility policy

  A complementary element supporting staff development is the recognition of work/life priorities. That includes the ongoing introduction of measures involving staggered working hours, compressed work schedules, scheduled breaks for external development activities, and periodic telecommuting

- Another cluster of human resources reform measures promotes central policy setting and monitoring. Those measures include the development of a new

integrated recruitment, placement and promotion system, and strengthening of performance management through new tools for monitoring and appraisal of managers and staff. A corollary aspect of that approach is the delegation of authority for human resource processes to programme managers, together with the provision of necessary tools to support such decentralization. The introduction of the new Galaxy online recruitment tool and the electronic Performance Appraisal System (e-PAS) are noteworthy examples of such tools

- Several human resources measures have contributed to the development of an integrated stream of electronic information and analysis, which in turn underpins concrete policy and operational measures. That stream begins with automation of human resource data gathering; digitized information is then available as an input for the workforce analysis initiative, which evaluates demographic and other human resources trends in the Secretariat. Such analyses in turn support the human resources action planning initiative, which aims to harmonize all aspects of human resources management across the Organization. The integrated human resources information stream also aligns with efforts to improve workflow applications that manage processes in areas such as home leave, education grant, dependency data and training activities.

B. Electronic United Nations

18. The Organization's information and communications technology strategy aims to use information and communications technology to create, share and disseminate knowledge and to function more efficiently and effectively in a knowledge-based environment. The key elements of the approach set out by the Secretary-General are e-management, knowledge sharing, services to governing bodies, creation of robust infrastructure, system security, reliable field connectivity and internal human capacity-building.

19. The strategy is being implemented under the direction of an Information and Communications Technology Board, supported by specialized task forces.

20. Thirty-two information and communications technology measures support the strategy. The breakdown of measures among the electronic United Nations sub-areas is presented in table 2.

Table 2
Electronic United Nations measures

Sub-areas	*No. of measures*
E-services	9
ICT infrastructure enhancement	3
ICT procurement	2
ICT security	2
ICT standards and methodologies	3
Sharing the knowledge of the Secretariat internally and externally	9
Other	4
Total	**32**

21. The measures under implementation in the area are expected to be fully operational during the period 2005-2006. Most measures are projected to take an average of about two years, versus close to three years for other areas.

22. As shown in table 2, a cluster of measures focusing on infrastructure, security and standardization are strengthening the Organization's technological platform. In e-services, a group of measures are leveraging the current infrastructure to deliver enhanced support for business processes, as in the cases of the automation of the Headquarters Committee on Contracts process and the provision of IMIS functionality via a Web interface.

23. Another cluster of measures aims to extend the functionality of core systems so that they become tools for the global Secretariat. The cluster notably includes several measures to make IMIS accessible to field operations staff around the clock.

24. Measures in information and communications technology procurement standardize and streamline purchasing processes and aim to ensure that hardware and software are procured before they are rendered obsolete by the rapid information and communications technology product cycle.

25. In knowledge sharing, a group of measures aims to enhance the Organization's transparency to, and interaction with, the public and other external partners. Examples include the Open-Access Official Documents System and the Internet Search Engine, which aim to provide greater public access to United Nations publications and other information. Another noteworthy initiative is the Extranet project, which seeks to promote business process integration among United Nations organizations. A United Nations common system directory of senior officials has been implemented as a first step in that effort.

C. Common services platform

26. The principal goal of measures in the common services area is to consolidate administrative support and logistical functions into an integrated platform spanning organizations of the United Nations system. Measures in the area are coordinated by the Common Services Task Force, which is composed of representatives from eight United Nations system organizations (Secretariat, United Nations Development Programme, United Nations Children's Fund, United Nations Population Fund, United Nations Office for Project Services, World Food Programme, Office of the United Nations High Commissioner for Refugees and United Nations Relief and Works Agency for Palestine Refugees in the Near East). The Task Force is supported by thematic working groups whose responsibilities correspond to the sub-areas shown in table 3 below:

Table 3
Common services measures

Sub-areas	*No. of measures*
Archives and records management	2
Personnel services	3
Procurement	5
Transportation operations	3
Other	2
Total	**15**

27. The 15 measures under implementation in the area are projected to be fully operational during the course of 2006. Most measures are projected to take a relatively extended period of time to complete, averaging three years, in comparison to two years for other areas.

28. Common services initiatives pursue their objectives through a variety of approaches, as described below:

- Measures in the archives and records management area focus on shifting from dispersed, paper-based repositories to consolidated digital archives
- Several procurement measures aim to enhance purchasing power through combining requests for proposals across duty stations and through using the lead agency approach to take advantage of agencies' procurement expertise in their respective areas of specialization
- A cluster of measures in the transportation and personnel services areas focus on attaining cost-efficiencies by simplifying processes for shipment of household goods and official travel and through lowered transaction costs associated with online purchasing.

D. Financial management and results-based budgeting

29. Financial management is a key element of the Organization's work, with impact across the programme cycle from initial programme formulation through implementation to monitoring and evaluation. In the context of the introduction of results-based budgeting, a number of measures have been undertaken to streamline business processes. In future, improvements such as simplified budget formats and greater flexibility in resource allocation within the budget will increasingly make their effects felt in enhancing operational efficiency. Such improvements are important because core programme activities often cannot proceed unless financial procedures are first completed.

30. The breakdown of measures within the financial management area is shown in table 4 below:

Table 4
Financial management measures

Sub-areas	*No. of measures*
Financial analysis	6
Introduction of logical framework	4
Mechanisms to support implementation of results-based budgeting	2
Other	3
Total	**15**

31. The 15 measures under implementation in the area are all expected to be mainstreamed by 2007. The measures are relatively brief in duration, averaging less than two years.

32. Of the measures reported in the area, most are being implemented in line departments or at offices away from Headquarters. That shift towards decentralization reflects initiatives to increase programme managers' administrative flexibility under the Organization's new financial regulations and rules.

33. Most measures relate to the areas of payroll, financial reporting and management of invoicing. The initiatives mainly focus on enhancing productivity through digitization or technology upgrades and on streamlining rules and procedures.

34. There is scope in the area for additional initiatives in future, such as the introduction of time standards in administrative processing, or the delegation of authority for a more extensive array of financial responsibilities.

E. Cross-cutting reform areas

35. Analysis of the cross-cutting reform areas provides insight into the ways in which management improvement measures achieve results across offices and functions. Almost half of the current measures are focused on productivity (see chart 2). Of those, three quarters contribute primarily to information technology and common services goals.

36. It is noteworthy that productivity is the only reform area under the current reporting exercise that did not explicitly originate from the Secretary-General's original reform programme. At the same time, productivity reflects the Secretary-General's emphasis on the need for the Organization to "do more with less". In response to that priority, the Steering Committee on Reform and Management adopted a long-term productivity strategy in 2000. The strategy delineates the responsibilities of managers and staff to mainstream productivity practices into the Organization's everyday work. In support of that strategy, the Department of Management has published a Productivity Handbook to promote understanding of productivity as a core managerial function.

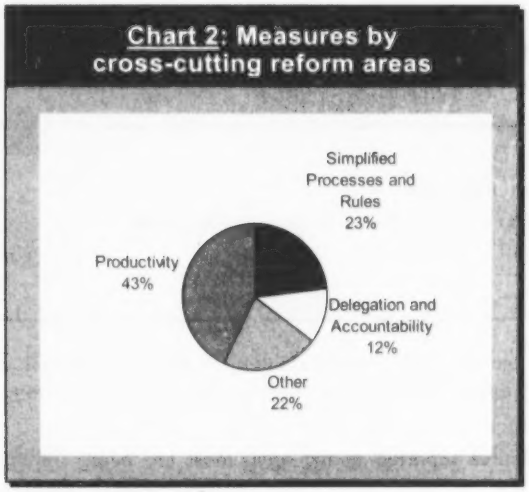


Chart 2: Measures by cross-cutting reform areas
Simplified Processes and Rules 23%
Productivity 43%
Delegation and Accountability 12%
Other 22%

IV. Analysis: progress, impact and obstacles

37. The reporting framework used in the present report assesses the results of management improvement measures in terms of progress and impact.

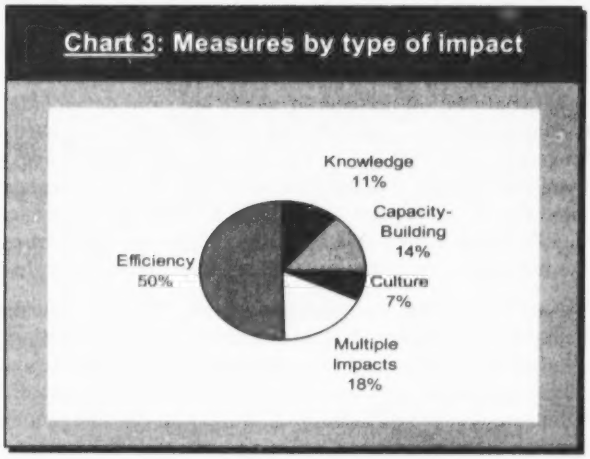
38. That approach captures the progress of measures through (a) assessment of steps towards mainstreaming, and (b) indicator-based evaluation. Mainstreaming is assessed based on the degree of completion of measures and the integration of practices that they promote into everyday work processes. Indicator-based evaluation involves the setting of verifiable targets for each measure and the corroboration of achievement of those targets. The present reporting exercise establishes an initial set of indicator targets that project offices will pursue over the coming year. Future versions of the report will evaluate actual rates of achievement against those targets.

39. Impact analysis is presented in terms of the benefits that measures generate for the Organization. That appraisal of impact offers a response to the question "The project has been completed and its practices have been mainstreamed, but what difference does that make?"

40. The report assesses four types of impact:

- *Capacity-building*. The measure strengthens the Organization's capabilities, enabling it to deliver new types of services and/or higher quality for existing services
- *Culture change*. The measure changes attitudes and promotes innovative ways of accomplishing mandated objectives
- *Efficiency improvement*. The practices introduced by the measure achieve results more quickly or are more cost-effective
- *Knowledge enhancement*. The measure generates organizational information to support better decision-making.

Chart 3 shows the breakdown of management improvement measures by type of impact. The focus of half of the measures on efficiency reflects the Organization's efforts to deliver more value to its constituencies in a timely fashion.



41. Impact is not limited to the implementation timeline for a given measure. More often, the benefits extend over a much longer period. In the human resources area, investments in training and professional development of staff pay dividends to the Organization over the duration of a career. Investments in information technology infrastructure are progressively amortized as the infrastructure is used to provide additional online services, and initiatives such as back-office consolidation in the Common Services area will continue to generate savings for the Organization indefinitely.

A. Human resources

Progress and impact

42. Overall, human resources management improvement measures are relatively advanced compared with other substantive areas. About 60 per cent are in progress and some 40 per cent are completed or mainstreamed. In the other areas taken together, about 70 per cent are in progress and 30 per cent are in different stages of completion.

43. Among the 10 building blocks of human resources reforms, most measures have been completed and are being mainstreamed in four areas: mobility policy; performance management; career development; and recruitment and placement.

44. In terms of impact, half of human resources measures aim to build capacity or to improve the Organization's culture. In comparison, only one tenth of measures in other areas focus on capacity-building or culture. An additional one third of human resources measures are intended to increase efficiency. As regards the core substance of human resources management issues, there is a clear shift in management culture, reflected by a devolution of responsibility to programme

managers. With respect to human resources process management, there is a strong focus on capacity-building.

45. The most significant initiatives in the human resources area concern staff selection, both in terms of process, with the full digitization of recruitment through the introduction of the Galaxy system, and in substantive terms, with the introduction of competency-based recruitment. The Galaxy system received over 155,000 applications during 2002 for some 600 vacancies posted; the applicants represent 190 nationalities, 60 per cent of whom are from developing countries. In addition, 174 competency-based generic job profiles have been used to create job descriptions covering over 2,000 posts. That standardization improves efficiency by saving staff time that would have been required to prepare and update hundreds of job descriptions. Another aspect of the combined impact of those measures during the period May-December 2002 was the reduction by 47 per cent of the average number of days required to recruit a new staff member (from 275 to 147 days).

46. It should also be noted that the deployment of Galaxy across the global Secretariat did not occur without difficulties. A number of duty stations encountered problems with accessing the system and integrating it into their business functions. As a result, the recruitment process was delayed in those instances. The lessons learned from that experience will need to be integrated into the planning of similar system-level application deployments.

47. In human resources planning, the new action planning mechanism has been mainstreamed as a standard instrument across the Secretariat since 1999. That initiative, in combination with the introduction of workforce analysis tools, helps managers to plan, set targets and monitor progress. The result of the introduction of those systems can be seen in part in the improvements in geographic distribution, vacancy rates and gender balance.

48. In the area of staff career development, most measures are in various stages of completion and mainstreaming, and focus their impact on capacity-building.

49. In performance management, the new electronic Performance Appraisal System (e-PAS) has been introduced throughout the Secretariat as of 1 April 2003, as scheduled. That new real-time online system represents a significant efficiency improvement over the old paper-based process, which required time-consuming manual tabulation, detracting from the timeliness and reliability of information.

50. The streamlining and digitization of rules and procedures has been completed and fully mainstreamed. The introduction of the electronic Human Resources Handbook, online access to Secretary-General's bulletins, administrative instructions and information circulars, and web-enabled administrative forms has resulted in cost savings through elimination of hard copy publications.

51. In the sub-area of mobility, a new policy requiring rotation between posts at least every five years took effect in May 2002; its actual impact will therefore begin to be felt in 2007. In the interim, mobility is being enhanced through the managed reassignment programmes for junior professional staff, resulting in the rotation of 60 staff to new positions in 2002.

Obstacles

52. As in all change management efforts, despite the progress made and impact achieved, human resources reform initiatives have encountered problems. A third of the measures in the area face obstacles owing to resistance to change. In contrast, that obstacle affects only four of the 68 measures in other areas. Another quarter of human resources measures face the related problem of lack of cooperation from other offices. Such resistance reflects the pervasive impact of human resources measures on such sensitive areas as the authority of entrenched interests and staff career advancement prospects.

53. Other human resources measures face obstacles owing to limited human and financial resources. One consequence of that problem has been the delay of implementation of measures such as the continuous learning initiative and the client satisfaction survey.

54. A cluster of human resources measures are dependent on information technology support for their timely implementation. They include initiatives such as Galaxy, e-PAS, digitization of personnel data and automation of staff benefit processing. Because of the resource-intensive nature of information and communications technology-based initiatives, the future progress and impact of such measures are reliant on budgetary support in terms of both human resources and information technology services.

B. Electronic United Nations

Progress and impact

55. The implementation of electronic United Nations measures is less advanced than measures in other areas; about 80 per cent of measures are in progress and the remainder are completed or mainstreamed. In contrast, some 60 per cent of measures in other areas are in progress, with the remaining 40 per cent being completed or mainstreamed. That reflects the relatively recent start to many measures under the new information and communications technology strategy: about two thirds of electronic United Nations measures began in 2002, whereas most measures in other areas began earlier.

The Organization's information and communications technology strategy aims to transform technology into a key business enabler and to deliver tangible improvements in the way the Organization and its stakeholders use and share information. The priority areas of the strategy support those goals in a number of ways.

56. In e-Services, six out of nine measures aim to improve efficiency, reflecting the customary use of information and communications technology to accelerate and simplify existing work methods. For example, the "electronic distribution of pay advice" measure has pioneered the same-day distribution of digital payslips to 1,500 staff of Nairobi-based offices and agencies (including 50 per cent located in out-posted offices from Japan to Brazil), replacing what had been a slow paper-driven process. Another trend is the use of web technologies in most measures. Because web-based services can be accessed using a standard browser, the Organization realizes significant savings through such measures by avoiding the costly process of installing new software on individual computers.

57. In information and communications technology security and standards and methodologies, the impact is focused on capacity-building. Examples include the information and communications technology business continuity plan, which is designed to ensure that the Organization's most vital systems continue to operate in an emergency situation, and the establishment of global LAN/WAN standards to support interoperability of systems across locations and business units.

58. Infrastructure measures aim to provide a global platform for delivery of information and communications technology services, as in the case of the Integrated Management Information System (IMIS) field access initiative, which aims to increase the share of field offices with IMIS capability from 15 per cent at the end of 2002 to 85 per cent at the end of 2003.

Obstacles

59. Measures towards an electronic United Nations encounter resource constraints more than other measures: about one third are affected by limited human and financial resources, as compared to roughly one quarter in other reform areas. That reflects the impact of the reductions in financial support for information and communications technology by the General Assembly in 2002.

60. The reductions hit the area especially hard because of the high resource intensity of information and communications technology measures. Moreover, the Organization's budget process does not align with timelines driven by rapid technological development. For example, under the two-year budget cycle, projects decided on at the outset of the cycle are locked in with only limited scope for adjustment in response to technological innovations that emerge over the budget period. Finally, such constraints are of particular concern owing to the leveraging effect of information and communications technology investments on management improvements across the Organization; information and communications technology is a central element of numerous measures in the areas of human resources, common services and financial management.

C. Common services platform

Progress and impact

61. Common services measures tend to be less advanced than measures in other areas: about a sixth have either been completed or mainstreamed, as compared to a third in other reform areas. That difference reflects the challenges inherent in coordinating the implementation of measures across multiple organizations.

62. Quantitative indicator targets have been set for five measures promoting common services frameworks. The measures aim to increase the number of organizations or duty stations participating in the frameworks from an average of seven at the end of 2002 to 11 at the end of 2003.

63. The impact of most measures focuses on improving efficiency. Of 15 measures, 12 aim to reduce administrative costs (of which four report cost savings already achieved). That is in alignment with the nature of common services measures, which typically aim to generate efficiencies through consolidation of overhead costs, standardization and economies of scale, notably in procurement.

Obstacles

64. The most significant obstacle affecting common service initiatives is structural impediments, i.e., incompatibilities between management improvements and pre-existing structures and procedures. Five common services measures face that obstacle. That compares to a total of two in all of the other reform areas. In four of those cases, the implementing offices attribute the structural impediments to reservations expressed in oversight reports about introduction of new operational procedures. The other notable obstacle in the area is limited human and financial resources.

D. Financial management and results-based budgeting

Progress and impact

65. Measures in the financial management and results-based budgeting area are relatively advanced; almost two thirds have been completed or mainstreamed into the Organization's everyday work processes.

66. The impact of the majority of the measures is on improving efficiency; the remainder aim to enhance organizational knowledge. In all cases, offices impact was achieved by devising new technological solutions to address specific limitations of IMIS or to complement its functionality.

Obstacles

67. About half of the measures in the area encountered obstacles owing to resource constraints. Further implementation challenges can be anticipated in future, as time will be needed to change the financial management culture towards a focus on outputs and achievements as opposed to inputs and planning.

V. Steps towards a new management improvement strategy

68. The Organization has taken deliberate steps during the past year to strengthen its reporting on management improvement measures. The implementation of PIRS by the Department of Management for the first time permits systematic gathering of data about management improvement measures and quantitative analysis of their results, as presented in the present report.

69. The new approach enables the Organization both to capture good management practices for replication and to identify obstacles to implementation for purposes of addressing the obstacles and identifying lessons learned. The PIRS system also provides programme managers with an integrated overview of the reform initiatives in their area, allowing them to provide strategic direction and support to targeted measures.

70. This initial PIRS report establishes baseline data, including setting progress targets for the present year. Subsequent reports will assess progress achieved against those pre-set targets and yield time-series data and corresponding trend analyses. The set of measures covered by the system will also expand to encompass the new reform efforts under the Secretary-General's report on strengthening the Organization: an agenda for further change (A/57/387).

71. Finally, those steps constitute the initial stage of implementation of the management improvement strategy described in the Secretary-General's aforementioned report on efficient and effective measures for management improvement (E/AC.51/2002/2). The report proposed the creation of a database to aggregate and analyse information about management improvement measures across the United Nations system. The Committee for Programme and Coordination endorsed that proposal. The implementation of the PIRS system, in addition to supporting analysis of management improvement measures within the Secretariat, represents the first building block of a system to capture such efforts from across the United Nations common system. However, implementation of that work is contingent on the timely availability of resources.

VI. Conclusion

72. The present report offers an overview of the current progress and impact of management improvement measures across the Secretariat. Over the coming years, many of the measures reviewed herein will be completed and mainstreamed. At the same time, the Organization will pursue its efforts to promote new initiatives in the area in order to sustain the process of continuous improvement.

73. **The Committee for Programme and Coordination may wish to take note of the work in progress towards implementing the Secretary-General's management reform programme.**

Notes

[1] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 16* (A/54/16), para. 15.

[2] Ibid., *Fifty-sixth Session* (A/56/16), para. 15.

[3] Ibid., *Fifty-seventh Session* (A/57/16), paras. 27-35.

[4] In resolution 56/253 (paras. 26-27), "management improvement measures" encompass "efficient and effective management practices".

United Nations A/58/71

General Assembly

Distr.: General
14 April 2003
English
Original: English/Spanish

Fifty-eighth session
Item 91 of the preliminary list*
Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories

Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories

Report of the Secretary-General

Summary

The present report is mandated by General Assembly resolution 57/134 and is a compilation of replies from Member States related to scholarships and training facilities available to the inhabitants of Non-Self-Governing Territories.

* A/58/50/Rev.1.

03-32540 (E) 080503

I. Introduction

1. By General Assembly resolution 845 (IX) of 22 November 1954, Member States were invited to extend to the inhabitants of Non-Self-Governing Territories offers of facilities not only for study and training of university standard, but also for study at the post-primary level, as well as technical and vocational training of immediate practical value.

2. In accordance with General Assembly resolution 1696 (XVI) of 19 December 1961, offers extended under resolution 845 (IX) are communicated by the Secretariat to the administering Powers to enable them to give appropriate publicity to the offers in the Territories under their administration.

3. Information on scholarships offered by Member States under the programme is made available to prospective applicants. Reference to the programme is included in the thirty-first edition of the handbook entitled *Study Abroad*, published by the United Nations Educational, Scientific and Cultural Organization.

4. Under the terms of General Assembly resolution 845 (IX) and subsequent resolutions,[1] the Secretary-General submits to the Assembly each year a report containing detailed information on the offers made and the extent to which they were utilized.[2] The present report, which covers the period from 11 June 2002 to 1 April 2003, is submitted in accordance with paragraph 5 of General Assembly resolution 57/134 of 11 December 2002.

II. Scholarship offers and awards

A. Offering States

5. Over the years, the 56 States Members of the United Nations listed below have offered to make scholarships available for the use of inhabitants of Non-Self-Governing Territories in response to the aforementioned resolutions:

Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Brazil, Bulgaria, Canada, Colombia, Cuba, Cyprus, Czech Republic, Egypt, Finland, Gabon, Germany, Ghana, Greece, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Libyan Arab Jamahiriya, Malawi, Malaysia, Malta, Mexico, New Zealand, Norway, Pakistan, Panama, Philippines, Poland, Qatar, Romania, Russian Federation, Singapore, Sri Lanka, Sudan, Syrian Arab Republic, Sweden, Switzerland, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Yugoslavia.

6. One non-member State has also offered scholarships:

Holy See.

B. Offers and awards

Member States

Antigua and Barbuda

7. In a note verbale dated 20 February 2003, the Permanent Mission of Antigua and Barbuda to the United Nations informed the Secretary-General that because of the proximity of Montserrat to Antigua and because of the volcanic eruptions in the Emerald Isle, many Montserratians have fled to the Antiguan unit of Antigua and Barbuda. Correspondingly, the population of Antigua and Barbuda has increased by 5 per cent. In the process, Antigua and Barbuda has fully integrated Montserratians in the society of the twin-island State and since Montserratians do not need work permits to work in Antigua and Barbuda, they compete with the people of Antigua and Barbuda for jobs and their children reap all national benefits.

8. The concept of scholarship has to be seen in its broadest sense, as the Government of Antigua and Barbuda had to open and reopen certain school structures to accommodate the increased numbers in its school system caused by the entrance of the Montserratian students. Those students benefit from free education from primary through secondary school and are eligible for government scholarships to the University of the West Indies and to Midwestern State University in Wichita Falls, Texas. In addition, the students fall under the Medical Benefits Scheme and are recipients of the country's expanded health system. In reality, Antigua and Barbuda provides for Montserratians all the benefits of its education system at absolutely no financial cost.

Argentina

9. In a note verbale dated 28 March 2003, the Permanent Mission of Argentina to the United Nations informed the Office of the Secretary-General of the following views of the Government of Argentina:

> "The Malvinas Islands were registered by the United Kingdom as a Non-Self-Governing Territory. This registration is a consequence of the illegal British occupation of the Argentine territory that occurred in 1833.
>
> "The United Nations has, on many occasions, indicated that the colonial dispute existing between Argentina and the United Kingdom concerning these territories should be resolved through peaceful negotiations.
>
> "Without prejudice to this and since the islands form part of the national Argentine territory, its inhabitants enjoy — just like the rest of the Argentine population — the benefits of the National Scholarship Programme offered by the Ministry of Education of the Argentine Republic."

Mexico

10. In a note verbale dated 2 April 2003, the Permanent Representative of Mexico to the United Nations informed the Secretariat that as a part of the multilateral programmes which offer scholarships for foreigners, the Government of Mexico has a specific programme for students from the Non-Self-Governing Territories which can be consulted on the electronic page http://www.becas.sre.gob.mx. The programme includes offers of scholarships for students and teachers who wish to

study Spanish and Mexican culture at the Foreigners Teaching Center of the National Autonomous University of Mexico. It also includes scholarships for studies in a specialty or for a Master's degree or Doctorate or to carry out high-level doctoral research with tutorials and doctoral stays at academic institutions.

Sweden

11. In a note verbale dated 3 April 2003, the Permanent Representative of Sweden to the United Nations informed the Secretariat that the majority of scholarships offered to foreign students for studies in Sweden are open to competition for citizens from all countries, including students from Non-Self-Governing Territories. Both the Programme Office (the coordinating body for scholarships of the Swedish International Development Agency) and the Swedish Institute offer such scholarships.

12. So far no scholarships have been granted to students from Non-Self-Governing Territories owing to the fact that no applications have been received from such Territories. Consequently, Sweden has not yet established any academic cooperation with those Territories. However, that does not preclude the existence of bilateral cooperation between Swedish educational centres and some of those Non-Self-Governing Territories.

United Kingdom of Great Britain and Northern Ireland

13. In a letter dated 7 April 2003, the Permanent Mission of the United Kingdom transmitted to the Secretariat details of scholarships funded by the United Kingdom to enable students from its Overseas Territories to take higher education courses in the United Kingdom.

14. In 2002-2003 there were no scholarships awarded to scholars from Anguilla, Bermuda, Pitcairn, the Turks and Caicos Islands and the Falkland Islands. The table below shows all awards starting in 2002. Some of the scholarships are for more than one year.

15. The United Kingdom has also set up the Montserrat Emergency Award Scheme, established in October 1997 in response to the volcanic crisis. The purpose of that scheme is to provide short-term assistance to Montserratians who had been forced to leave the island as a direct result of volcanic activity and the emergency situation at the time. From 1997 to 2003 the scheme has successfully helped 286 students to undertake higher education studies. Eighty-three of those students are currently studying in the United Kingdom.

Scholarships for scholars from Non-Self-Governing Territories

	Territory				
Type of scholarship	*British Virgin Islands*	*Cayman Islands*	*Montserrat*	*St. Helena*	*Grand total*
Chevening Scholarships	2	1	3	1	7
Chevening centrally funded scheme	1				1
Commonwealth Scholarship/ Fellowship Plan	2		1		3
Technical cooperation training			2	14	16
Grand total	**5**	**1**	**6**	**15**	**27**

III. Applications made through the United Nations

16. In accordance with the procedure established by the General Assembly in its resolution 1696 (XVI), applications for scholarships received by the United Nations Secretariat from inhabitants of Non-Self-Governing Territories are transmitted simultaneously to the offering States for consideration and to the administering Powers for information.

17. Between 5 June 2002 and 11 April 2003, the Secretariat received no requests from students for information on the availability of scholarships.

IV. Conclusion

18. **Scholarships and training facilities offered by Member States to the inhabitants of Non-Self-Governing Territories represent a valuable contribution to their educational advancement.**

Notes

[1] The most recent resolutions adopted by the General Assembly on this question are resolutions 53/63, 54/86, 55/140, 56/68 and 57/134.

[2] For the most recent reports, see A/53/262 and Add.1, A/54/267, A/55/81 and Add.1, A/56/88 and A/57/90 and Add.1.

United Nations A/58/72-E/2003/53

General Assembly
Economic and Social Council

Distr.: General
11 April 2003

Original: English

General Assembly
Fifty-eighth session
Item 100 of the preliminary list*
Implementation of the first United Nations Decade for the Eradication of Poverty (1997-2006)

Economic and Social Council
Substantive session of 2003
Geneva, 30 June-25 July 2003
Item 14 (b) of the provisional agenda**
Social and human rights questions: social development

Establishment of the World Solidarity Fund

Note by the Secretary-General

The Secretary-General herewith transmits the report of the Administrator of the United Nations Development Programme (UNDP) entitled "Progress report on the measures taken for the operationalization of the World Solidarity Fund", submitted in accordance with General Assembly resolution 57/265 (see annex). In that resolution the Assembly requested the Secretary-General to request the Administrator of the United Nations Development Programme to submit to the Economic and Social Council at its substantive session of 2003 a progress report on the measures taken for the operationalization of the World Solidarity Fund and to ensure that the implementation of the resolution is reported on to the Assembly at its fifty-eighth session, under the agenda item entitled "Implementation of the first United Nations Decade for the Eradication of Poverty (1997-2006)".

* A/58/50/Rev.1.
** E/2003/100.

03-32878 (E) 080503

Annex

Progress report on the measures taken for the operationalization of the World Solidarity Fund

Report by the Administrator of the United Nations Development Programme

Summary

The World Solidarity Fund, which was established in February 2003 as a trust fund of the United Nations Development Programme, is subject to the financial rules and regulations adopted by the Executive Board of the United Nations Development Programme/United Nations Population Fund. Since its establishment, steps have been taken to operationalize and publicize the Fund. It is proposed to establish a high-level committee, composed of people with practical experience in business, development and government, to define the strategy of the World Solidarity Fund. The Committee is expected to present its recommendations by November 2003. Following this exercise, the executive secretariat of the World Solidarity Fund will undertake the financing of projects, should funds become available.

1. Pursuant to General Assembly resolution 56/207, the Secretary-General was requested to submit to the Assembly, at its fifty-seventh session, a report containing his recommendations on the mechanisms, modalities, terms of reference, mandates and governance for the operationalization of a proposed world solidarity fund for poverty eradication.

2. The report of the Secretary-General on the proposal to establish a world solidarity fund for poverty eradication was submitted to the General Assembly on 2 July 2002 (A/57/137).

3. In September 2002, in Johannesburg, South Africa, the World Summit on Sustainable Development adopted its Plan of Implementation, in which it decided to establish a World Solidarity Fund.

4. The discussion on the establishment of the fund was held in the Second Committee of the General Assembly under the agenda item "Implementation of the first United Nations Decade for the Eradication of Poverty". Following discussion in the Second Committee, the Assembly adopted resolution 57/265, entitled "Establishment of the World Solidarity Fund".

5. In its resolution 57/265, the General Assembly: endorsed the decision of the World Summit on Sustainable Development to establish the World Solidarity Fund to eradicate poverty and promote social and human development in developing countries; underscored the voluntary nature of contributions to the Fund and the need to avoid duplication of existing United Nations funds; encouraged the role of the private sector and individual citizens relative to Governments in funding the endeavours; and entrusted the Administrator of the United Nations Development

Programme (UNDP) to take the necessary measures for the immediate operationalization of the Fund as a trust fund of the Programme.

6. In the same resolution, the General Assembly requested the Secretary-General to ask the Administrator of UNDP to submit to the Economic and Social Council at its substantive session of 2003 a progress report on the measures taken for the operationalization of the Fund. The present report is submitted in compliance with that request.

Operationalization of the World Solidarity Fund

7. The Administrator of UNDP is pleased to report that the World Solidarity Fund was set up in February 2003 as a trust fund of UNDP, subject to the financial rules and regulations adopted by the Executive Board of UNDP/UNFPA. At the time of writing, however, the Fund account has yet to receive contributions.

Proposed terms of reference of the World Solidarity Fund

8. In keeping with the terms of General Assembly resolution 57/265, the World Solidarity Fund will encourage the role of the private sector and individual citizens in funding its endeavours. Furthermore, the World Solidarity Fund will support requests received from Governments of developing countries for financing poverty alleviation projects, including initiatives from community-based organizations and small private sector entities.

9. It is important, in this regard, that the World Solidarity Fund, in implementing the terms of General Assembly resolution 57/265, not replicate existing operations of multilateral development institutions, but seek innovative ways of supporting poverty eradication projects. A first period, lasting until November 2003, will be devoted to the development of an innovative strategy for the World Solidarity Fund, prior to launching its project-based operations.

10. Such a strategy would aim to ensure that the World Solidarity Fund fills an important gap in development practice and that its operations are sustainable and lead to long-term, visible results.

11. Consequently, the Administrator of UNDP, pursuant to the proposals contained in the report of the Secretary-General (A/57/137), proposes the establishment of a high-level committee to define the strategy of the World Solidarity Fund. The committee would be composed of people with practical experience in business, development and government. The Committee will highlight best practices already under way and will suggest "next practices" in the form of actionable ideas that can be implemented in the next one to three years that will be both replicable and scalable.

12. The Committee's recommendations will be presented to the Secretary-General and will be forwarded for consideration by developing and developed countries as well as by national and multilateral development agencies.

13. The substantive work of the Committee will be undertaken under three main headings: financing mechanisms; government policy and institutions; and human resources. The Committee will thus examine alternative mechanisms to promote the financing of small and medium-sized enterprises. The Committee will also examine ways in which government policies and institutions can support private sector

growth and collaboration with government and civil society in the eradication of poverty. Finally, the Committee will also look at policies designed to create a critical mass of entrepreneurs in developing countries and those aspects of a national human resources strategy that have a bearing on fostering an indigenous private sector.

14. The Committee is expected to present its recommendations by November 2003. Following this exercise, the executive secretariat of the World Solidarity Fund, within UNDP, will undertake the financing of projects, should funds become available, to alleviate poverty by piloting the recommendations of the Committee.

15. The Administrator of UNDP has issued invitations to several prominent personalities in government and the private sector to join the Committee. The Government of Tunisia, which supported the World Solidarity Fund in the United Nations, has also offered to appoint a high-level personality as a member of the Committee.

Publicizing the World Solidarity Fund

16. The President of the Republic of Tunisia wrote to the Secretary-General on 27 December 2002 expressing his appreciation for his efforts in supporting the creation of the World Solidarity Fund and pledging the continuing support of Tunisia for the Fund.

17. Following the adoption of General Assembly resolution 57/265, the Administrator of UNDP issued a press release, on 20 December 2002, expressing his enthusiastic support for the creation of the Fund by the General Assembly. He noted that the World Solidarity Fund was an innovative mechanism that would support national development efforts along with the energy of community-based organizations, the commitment of individuals and the vibrancy of the private sector. He noted the important potential contributions of the World Solidarity Fund to the achievement of the Millennium Development Goals, in particular the goal of halving poverty by 2015. In his remarks, the Administrator of UNDP paid tribute to the pioneering efforts of Tunisia in supporting the creation of the Fund.

18. The Associate Administrator of UNDP visited Tunisia from 10 to 13 March 2003. In Tunisia, the Associate Administrator of UNDP discussed, inter alia, the creation of the World Solidarity Fund. The Tunisian authorities expressed their satisfaction with the creation of the Fund and pledged continued support for its implementation.

Recommendations

19. **The Economic and Social Council may wish to take note of the establishment of the World Solidarity Fund, as a trust fund of the United Nations Development Programme.**

20. **The Economic and Social Council may also wish to endorse the proposals for the operationalization of the World Solidarity Fund as describe above.**

21. **The Economic and Social Council may wish to recall paragraph 5 of General Assembly resolution 57/265 encouraging contributions to the World Solidarity Fund.**

United Nations A/58/73

General Assembly

Distr.: General
17 April 2003
English
Original: Spanish

Fifty-eighth session
Item 172 of the preliminary list*
International convention against the reproductive cloning of human beings

Letter dated 2 April 2003 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

I have the honour to transmit to you attached hereto the draft international convention for the prohibition of all forms of human cloning, prepared by the Government of Costa Rica, as well as the text of a brief explanatory commentary to it (see annexes I and II).

The Government of Costa Rica is convinced that this draft will be a constructive contribution to the negotiation process currently being carried out within the General Assembly in order to prohibit human cloning. We hope that the text will be able to serve eventually as the basic document for discussion.

(*Signed*) Bruno **Stagno**
Permanent Representative

* A/58/50/Rev.1.

03-33084 (E) 200503 210503

Annex I to the letter dated 2 April 2003 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

Draft international convention on the prohibition of all forms of human cloning

Preamble

The States Parties to this Convention,

Recalling the Universal Declaration on the Human Genome and Human Rights[1] adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 11 November 1997, in particular article 11 thereof, in which the Conference specified that practices which are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted,

Recalling also General Assembly resolution 53/152 of 9 December 1998, by which the Assembly endorsed the Universal Declaration on the Human Genome and Human Rights,

Bearing in mind resolution 2001/71 of the Commission on Human Rights of 25 April 2001 entitled "Human rights and bioethics",[2] adopted by the Commission at its fifty-seventh session,

Recalling that, in accordance with the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Convinced that the cloning of human beings, whether carried out on an experimental basis, in the context of fertility treatments or pre-implantation diagnosis, for tissue transplantation or for any other purpose whatsoever, is morally repugnant, unethical and contrary to respect for the person and constitutes a grave violation of fundamental human rights which cannot under any circumstances be justified or accepted,

Seeking to promote scientific and technical progress in the fields of biology and genetics in a manner respectful of fundamental human rights and for the benefit of all,

Concerned at recently disclosed information on research into and attempts at the creation of human beings through cloning processes,

Conscious of widespread preoccupations that the human body and its parts should not, as such, give rise to financial gain,

---

[1] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Twenty-ninth Session*, vol. 1, *Resolutions*, resolution 16.

[2] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

Determined to adopt permanent measures to avoid potential threats to human dignity,

Have agreed as follows:

Article 1
Definitions

For the purposes of this Convention:

1. "Somatic cell nuclear transfer" means introduction of nuclear material from a somatic cell into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated;

2. "Somatic cell" means a cell containing a complete set of chromosomes;

3. "Genetically virtually identical organism" means an organism containing the same complete set of chromosomes as another organism;

4. "Victim" means both the person whose genetic material or oocyte is used without permission to commit an offence set forth in article 2, paragraph 1, and the living organism created by the commission of the offence set forth in article 2, paragraph 1.

Article 2
Scope of application (definition of the crime)

1. Any person commits an offence within the meaning of this Convention if that person intentionally engages in an action, such as somatic cell nuclear transfer or embryo-splitting, resulting in the creation of a living organism, at any stage of physical development, that is genetically virtually identical to an existing or previously existing human organism.

2. Any person also commits an offence if that person attempts to commit an offence set forth in paragraph 1 of this article.

3. Any person also commits an offence if that person:

   (a) Participates as an accomplice in an offence set forth in paragraph 1 or 2 of this article;

   (b) Organizes or directs others to commit an offence set forth in paragraph 1 or 2 of this article;

   (c) Contributes to the commission of one or more of the offences set forth in paragraph 1 or 2 of this article by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:

      (i) Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence as set forth in paragraph 1 of this article; or

      (ii) Be made in the knowledge of the intention of the group to commit an offence set forth in paragraph 1 of this article.

Article 3
Obligation to criminalize

Each State Party shall adopt such measures as may be necessary:

(a) To establish as criminal offences under its domestic law the offences set forth in article 2;

(b) To make those offences punishable by appropriate penalties which take into account the grave nature of the offences.

Article 4
Liability of legal persons

1. Each State Party, in accordance with its domestic legal principles, shall take the necessary measures to enable a legal entity located in its territory or organized under its laws to be held liable when a person responsible for the management or control of that legal entity has, in that capacity, committed an offence set forth in article 2. Such liability may be criminal, civil or administrative.

2. Such liability is incurred without prejudice to the criminal liability of individuals who have committed the offences.

3. Each State Party shall ensure, in particular, that legal entities liable in accordance with paragraph 1 above are subject to effective, proportionate and dissuasive criminal, civil or administrative sanctions. Such sanctions may include monetary sanctions.

Article 5
Jurisdiction

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when:

   (a) The offence is committed in the territory of that State;

   (b) The offence is committed on board a vessel flying the flag of that State or an aircraft registered under the laws of that State at the time the offence is committed;

   (c) The offence is committed by a national of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

   (a) The offence was directed towards or resulted in the carrying out of an offence referred to in article 2, paragraph 1, in the territory of or against a national of that State;

   (b) The victim of one of the offences set forth in article 2, paragraph 1, is a national of that State;

   (c) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State.

3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established in accordance with its domestic law in accordance with paragraph 2. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties that have established their jurisdiction in accordance with paragraph 1 or 2.

5. When more than one State Party claims jurisdiction over one of the offences set forth in article 2, the relevant States Parties shall strive to coordinate their actions appropriately, in particular concerning the conditions for prosecution and the modalities for mutual legal assistance.

6. Without prejudice to the norms of general international law, this Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

Article 6
Seizure of funds

1. Each State Party shall take appropriate measures, in accordance with its domestic legal principles, for the identification, detection and freezing or seizure of any funds used or allocated for the purpose of committing the offences set forth in article 2 as well as the proceeds derived from such offences, for purposes of possible forfeiture.

2. Each State Party shall take appropriate measures, in accordance with its domestic legal principles, for the forfeiture of funds used or allocated for the purpose of committing the offences set forth in article 2 and the proceeds derived from such offences.

3. Each State Party concerned may give consideration to concluding agreements on the sharing with other States Parties, on a regular or case-by-case basis, of the funds derived from the forfeitures referred to in this article.

4. Each State Party shall consider establishing mechanisms whereby the funds derived from the forfeitures referred to in this article are utilized to compensate the victims of offences referred to in article 2 or their families.

5. The provisions of this article shall be implemented without prejudice to the rights of third parties acting in good faith.

Article 7
Duty to investigate

1. Upon receiving information that a person who has committed or who is alleged to have committed an offence set forth in article 2 may be present in its territory, the State Party concerned shall immediately take such measures as

may be necessary under its domestic law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its domestic law so as to ensure that person's presence for the purpose of prosecution or extradition.

3. Any person regarding whom the measures referred to in paragraph 2 are being taken shall be entitled to:

   (a) Communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;

   (b) Be visited by a representative of that State;

   (c) Be informed of that person's rights under subparagraphs (a) and (b).

4. The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

Article 8
Obligation to prosecute or extradite

1. The State Party in the territory of which the alleged offender is present shall, in cases to which article 5 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought, and this State and the State seeking the extradition of the person agree with this option and any other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1.

Article 9
Existing extradition treaties

1. The offences set forth in article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the

States Parties before the entry into force of this Convention. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

2. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 2 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4. If necessary the offences set forth in article 2 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with article 7, paragraphs 1 and 2.

5. The provisions of all extradition treaties and arrangements in force between States Parties with regard to the offences set forth in article 2 shall be deemed to be modified as between States Parties to the extent that they are incompatible with this Convention.

Article 10
Judicial cooperation

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal investigations or criminal or extradition proceedings in respect of the offences set forth in article 2, including assistance in obtaining evidence in their possession necessary for the proceedings.

2. The requesting State Party shall not use nor transmit information or evidence furnished by the requested State Party for investigations, prosecutions or proceedings other than those stated in the request without the prior consent of the requested State Party.

3. Each State Party may give consideration to establishing mechanisms to share with other States Parties information or evidence needed to establish criminal, civil or administrative liability pursuant to article 4.

4. States Parties shall carry out their obligations under paragraphs 1 and 2 in conformity with any treaties or other arrangements on mutual legal assistance or information exchange that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

Article 11
Rights of the accused

Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international human rights law.

Article 12
Preventive measures

1. States Parties shall cooperate in the prevention of the offences set forth in article 2 by taking all practicable measures, inter alia, by adapting their domestic legislation, if necessary, to prevent and counter preparations in their respective territories for the commission of those offences within or outside their territories, including:

   (a) Measures to prohibit in their territories illegal activities of persons and organizations that knowingly encourage, instigate, organize or engage in the commission of offences set forth in article 2;

   (b) Measures requiring any research project involving human genetic material to be duly authorized by the competent authorities or, as appropriate, by a multidisciplinary national organ entrusted with that task;

   (c) Measures requiring centres and establishments where research or activities are conducted that use gene technology to be previously registered, approved and authorized for such purposes by the health or scientific authorities or, as appropriate, by a multidisciplinary national organ.

2. States Parties shall further cooperate in the prevention of offences set forth in article 2 by exchanging accurate and verified information in accordance with their domestic law and coordinating administrative and other measures taken, as appropriate, to prevent the commission of offences set forth in article 2, in particular by:

   (a) Establishing and maintaining channels of communication between their competent agencies and services to facilitate the secure and rapid exchange of information concerning all aspects of offences set forth in article 2;

   (b) Cooperating with one another in conducting inquiries, with respect to the offences set forth in article 2, concerning:

      (i) The identity, whereabouts and activities of persons in respect of whom reasonable suspicion exists that they are involved in such offences;

(ii) The movement of funds relating to the commission of such offences.

3. States Parties may exchange information through the International Criminal Police Organization (Interpol).

Article 13
Safeguard clause

None of the provisions of this Convention shall be interpreted as limiting or otherwise affecting the possibility for each State Party to grant a wider measure of protection with regard to the applications of biology and medicine than is stipulated in this Convention.

Article 14
Settlement of disputes

1. Any disputes between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 15
Signature and ratification

1. This Convention shall be open for signature by all States from ... to ... at United Nations Headquarters in New York.

2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 16
Reservations

No reservations shall be permitted to articles 1, 2 and 3 of this Convention.

Article 17
Entry into force

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 18
Denunciation

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 19
Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

Annex II to the letter dated 2 April 2003 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

Commentary to the draft international convention on the prohibition of all forms of human cloning

Introduction

The draft international convention on the prohibition of all forms of human cloning is intended as a contribution to the negotiation process currently being carried out within the United Nations General Assembly in order to prohibit human cloning. The text seeks to ensure respect for the dignity and basic rights of the human being in the broadest possible manner in view of the threat posed by experiments in the cloning of human beings.

The draft aims to prohibit both "reproductive" cloning of human beings, that is, cloning whereby human clones are "produced", implanted in a woman's uterus and culminate in the birth of a child that is genetically identical to another human being, as well as the ill-termed "therapeutic" cloning of humans, which is characterized by having experimental purposes and ending with the destruction and death of the cloned embryo.

During the fifty-eighth session of the General Assembly, the international community will have to decide whether it is to work on a broad prohibition of all forms of human cloning or whether it will elaborate only a prohibition limited to the reproductive cloning of human beings. The Government of Costa Rica, together with a number of friendly countries, has advocated the negotiation of a broad prohibition covering all forms of human cloning.

The Government of Costa Rica trusts that this draft will be an important contribution to the negotiation process by eventually becoming the basic document for discussion.

The draft includes four principal elements:

(a) The definition of the crime of human cloning (article 2);

(b) The obligation of States Parties to criminalize the offence, establish jurisdiction over its commission and punish or extradite the guilty parties (articles 3, 5, 7 and 8);

(c) The obligation of States Parties to take measures to prevent such acts, including the regulation of experiments involving human genetic material (article 12);

(d) A series of provisions to facilitate judicial and police cooperation in the field (articles 9 and 10).

To the extent possible, the text is based on language used previously by the General Assembly. The provisions on jurisdiction, cooperation and the final clauses were inspired by the provisions of the recent International Convention for the Suppression of the Financing of Terrorism.

It should be noted that the draft does not seek to regulate abortion, stem-cell research or *in vitro* fertilization. Similarly, the text does not aim to define what a human being is and when the human person comes about.

Title

The title of the draft convention contains the expression "human cloning" not "cloning of human beings". This formulation is in keeping with the decision to avoid discussing the definition of what constitutes a human being.

Preamble

The preamble sets forth the general considerations that motivate States to adopt the draft convention. The main paragraphs are: the fourth preambular paragraph, which underscores the essential importance of human dignity; the fifth preambular paragraph, which declares all forms of human cloning immoral and a violation of human rights; and the sixth preambular paragraph, which reaffirms the need to promote scientific progress in accordance with respect for human rights.

Most of the preamble has been taken from draft resolution A/C.6/57/L.3/Rev.1, sponsored by Antigua and Barbuda, Argentina, Costa Rica, Dominica, Dominican Republic, El Salvador, Ethiopia, Fiji, Georgia, Grenada, Honduras, Italy, Kenya, Kyrgyzstan, Marshall Islands, Micronesia (Federated States of), Nicaragua, Nigeria, Panama, Paraguay, Philippines, St. Vincent and the Grenadines, Spain, Suriname, Tajikistan, Timor-Leste, Turkmenistan, Tuvalu, United States of America and Uzbekistan on 18 October 2002. Preambular paragraphs 1, 2, 3, 7, 8 and 9 correspond respectively to preambular paragraphs 1, 2, 6, 8 and 10 of the draft resolution.

The fourth preambular paragraph has been taken from the third preambular paragraph of General Assembly resolution 53/152 on "the human genome and human rights", of 9 December 1998. The fifth preambular paragraph is based on preambular paragraph (c) of the resolution of the European Parliament on human cloning of 15 January 1998 (*Official Journal, 1998* (C 34) 164 (15 January 1998)). The sixth preambular paragraph is identical to the fifth preambular paragraph of General Assembly resolution 53/152.

Article 1
Definitions

This article defines some of the basic concepts used in the draft convention. Paragraphs 1, 2 and 3, which define concepts used in the description of the offence, should be read in the context of the commentary to article 2 (1): definition of the crime.

Paragraph 4, on the concept of the victim, should be considered within the context of articles 5 (2) (b) on jurisdiction, and 6 (2), dealing with compensation. The concept of victim as set forth is broad and includes not only the person who is "copied" by means of cloning — the donor of the genetic material — but also the woman whose oocyte is used and the human being who is created through cloning.

Article 2
Scope of application (definition of the crime)

Paragraph 1

This article contains the definition of the crime of the cloning of human beings.

The expression "commits ... intentionally" establishes the level of intentionality required for a penal norm. This phrase excludes the non-intentional commission of the offence as well as the spontaneous division of embryos that occurs in nature when twins are created.

The word "action" is a broad concept designed to include any technical, medical or scientific operation which may be used to create clones.

The list "such as somatic cell nuclear transfer or embryo-splitting" sets forth, by way of example, the two techniques which are currently used in cloning experiments. This list is not exhaustive, which makes the prohibition applicable to any other cloning technique that may be developed in the future.

The expression "a living organism ... that is genetically virtually identical" defines the prohibited object: the creation of living beings whose nuclear genetic material is identical. Article 1 (3) of the draft should be viewed in this context.

The words "at any stage of physical development" make this prohibition applicable to all forms of cloning since it prohibits the creation of a living organism from the first moment of its existence.

The reference to a "human organism" relates to the donor of the genetic material and limits this prohibition solely to the cloning of human beings, permitting, *a contrario sensu*, the cloning of vegetables and animals. This expression prohibits the use of nuclear material not only from adult donors but also from human embryos.

The words "existing or previously existing" prohibit cloning which uses as a donor of nuclear material living embryos either of persons currently alive or of historical figures who are deceased.

Paragraphs 2 and 3

The aim of these paragraphs is to prohibit attempts to commit and the various forms of criminal participation in the offence of human cloning. Paragraph 3 (c) covers criminal conspiracy and criminal activities organized in order to commit human cloning. The text is based on article 2, paragraphs 4 and 5, of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999.

Article 3
Obligation to criminalize

This article requires that States parties criminalize human cloning as an offence under their national legislation. It is identical to the text of article 4 of the International Convention for the Suppression of the Financing of Terrorism.

Article 4
Liability of legal persons

This article requires that States Parties punish, in accordance with their legal systems, legal persons that are used to commit the offence of human cloning. It is identical to the text of article 5 of the International Convention for the Suppression of the Financing of Terrorism.

Article 5
Jurisdiction

This article specifies the occasions on which States Parties will have jurisdiction to prosecute the offence. When an offence is committed by a national of the State Party or in its territory, that State will have to exercise its jurisdiction as a matter of obligation. Paragraph 4 stipulates that the State Party must exercise its jurisdiction in order to prosecute a person accused of committing the offence, if it is not willing to extradite him to a State which so requests.

The text of this article is based on article 7 of the International Convention for the Suppression of the Financing of Terrorism with the necessary changes made in paragraph 2. The reference to the victim in paragraph 2 (b) is based on article 6, paragraph 2, of the International Convention for the Suppression of Terrorist Bombings of 15 December 1997.

Article 6
Seizure of funds

This article sets forth the obligation to confiscate funds used to commit the crime of human cloning in order to compensate the victims. This text is identical to article 8 of the International Convention for the Suppression of the Financing of Terrorism.

Article 7
Duty to investigate

This norm lays down the obligation to investigate and detain preventively persons who commit the crime of human cloning. The article's wording is identical to that of article 9, paragraphs 1 to 4, of the International Convention for the Suppression of the Financing of Terrorism.

Article 8
Obligation to prosecute or extradite

This article establishes the obligation to prosecute or extradite persons accused of this crime. Paragraph 2 sets forth a number of exceptions for States that permit the extradition of nationals under certain conditions. The text of this article was identical to that of article 10 of the International Convention for the Suppression of the Financing of Terrorism.

Article 9
Existing extradition treaties

This provision seeks to facilitate the extradition of accused persons by amending all existing bilateral extradition treaties between States Parties. Its wording is identical to that of article 11 of the International Convention for the Suppression of the Financing of Terrorism.

Article 10
Judicial cooperation

As its title indicates, this article, based on article 12, paragraphs 1, 3, 4 and 5, of the International Convention for the Suppression of the Financing of Terrorism, provides that the States bodies must lend one another the greatest possible judicial and police cooperation in the field.

Article 11
Rights of the accused

This article is a general safeguard clause guaranteeing respect for the basic rights of the accused and the principles of due process. It is identical to the text of article 17 of the International Convention for the Suppression of the Financing of Terrorism.

Article 12
Preventive measures

This article stipulates that States Parties must take all possible preventive measures in order to prevent the commission of the crime of human cloning. In particular, paragraph 1 (a) and (b) establishes the obligations of States Parties to regulate research involving human genetic material and to monitor research centres working in those fields. This article uses broad language allowing each State Party to design, in accordance with its own administrative organization, the best mechanism for carrying out this obligation.

The text of this article is based on article 18, paragraphs 1, 3 and 4, of the International Convention for the Suppression of the Financing of Terrorism. Paragraph 1 (b) and (c) was inspired by paragraphs 17 and 19 of Recommendation 1100 (1989) on the use of human embryos and foetuses in scientific research, of 2 February 1989, adopted by the Parliamentary Assembly of the Council of Europe at its fortieth ordinary session (third part), 30 January to 3 February 1989.

Article 13
Safeguard clause

This article protects the sovereign right of each State Party to adopt stricter measures when regulating research in the field of medicine and biology. Its text is based on article 27 of the Council of Europe Convention for the Protection of

Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, of 4 April 1997 (Convention on Human Rights and Biomedicine) (Council of Europe, document DIR/JUR (96) 14, *European Treaty Series No. 164*).

Article14
Settlement of disputes

This provision establishes a mechanism for the peaceful settlement of disputes. This article is identical to the text of article 24 of the International Convention for the Suppression of the Financing of Terrorism.

Article 15
Signature and ratification

This is the customary wording of clauses referring to the signature and ratification of an international treaty. The text is identical to the text of article 25 of the International Convention for the Suppression of the Financing of Terrorism.

Article 16
Reservations

This article prohibits reservations to the basic articles of the Convention in order to prevent the weakening of the judicial regime established under it through reservations and exceptions. This provision prevents the authorization of experimental cloning by making a reservation to the definition of the crime.

Article 17
Entry into force

This is the traditional wording of final clauses on the entry into force. The text is identical to that of article 26 of the International Convention for the Suppression of the Financing of Terrorism.

Article 18
Denunciation

This is the traditional wording referring to denunciation of the treaty. The text is identical to that of article 27 of the International Convention for the Suppression of the Financing of Terrorism.

Article 19
Authentic texts

This is the traditional wording on official languages included in all multilateral treaties of a universal nature adopted within the framework of the United Nations. Its text is identical to the language of article 28 of the International Convention for the Suppression of the Financing of Terrorism.